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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/826,008 04/16/2004 Gregory A. Brake 200314928-1 9223

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EXAMINER

DAHBOUR, HENRY

ART UNIT PAPER NUMBER

2625

NOTIFICATION DATE DELIVERY MODE

04/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/826,008	<b>Applicant(s)</b> BRAKE ET AL.	
	<b>Examiner</b> HENRY DAHBOUR	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 16 April 2004.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 2-50 is/are allowed.
- 6)  Claim(s) 1 and 51 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 16 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/1/05 4/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-62-266964.

Regarding claim 1, JP-62-266964 discloses a scanner comprising a touchscreen affixed to one outer surface of the scanner (see 7 in Figure 1), wherein touch location information is generated indicating where the touchscreen is touched (see Figure 2), and wherein the touch location information is used to select an area to scan (Figure 2).

Regarding claim 51, JP-62-266964 discloses a scanner comprising means for detecting locations of touches of a touchscreen affixed to one side of the scanner (see 7 in Figure 1, also see Figure 2), and means for selecting, based on the touch locations, an area to scan (see Figure 2).

### ***Allowable Subject Matter***

3. Claims 2-50 are allowed.

The following is an examiner's statement of reasons for allowance. The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record:

Regarding claims 2-17, the prior art, either singularly or in combination, does not teach or suggest a scanner comprising:

"...transparent platen on a first side...transparent window on a second side... opposite the first side...a touchscreen affixed proximate to the substantially transparent window, and wherein touch location information is generated in response to at least one touch of the touchscreen, and wherein the touch location information is used to select an area to scan".

Regarding claims 18-34, the prior art, either singularly or in combination, does not teach or suggest a system comprising:

"...transparent platen on a first side...transparent window on a second side... opposite the first side...a touchscreen affixed proximate to the substantially transparent window...the computer and the scanner are in communication, and wherein touch location information is generated in response to at least one touch of the touchscreen, and wherein the touch location information is used by the system to select an area to scan near the platen".

Regarding claims 35-50, the prior art, either singularly or in combination, does not teach or suggest a method comprising:

"...detecting at least one touch of a touchscreen affixed proximate to a substantially transparent window on a first side of a scanner, and selecting, based on the location of the at least one touch, an area to scan near a substantially transparent platen on a second side of the scanner, opposite the first side".

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sung ('231), Sung ('004), Khovaylo et al, Han, Watanabe, Nishiura, Hu et al, Kashiwagi et al, Schuller and Wu et al are cited to show scanners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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HD

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625